

**REMARKS**

Claims 1-5 and 20-23 are pending in the application.

**I. Rejection under 35 U.S.C. § 102(a) based upon U.S. Patent No. 6,857,683.**

The Examiner has rejected claims 1, 2, 4, 20, 21, 24, 26, 27, 29, 31 and 32 under 35 U.S.C. § 102(e) based upon U.S. Patent No. 6,857,683 of Myers ("Myers"). The Applicants renew their traversal to this rejection. Myers does not anticipate the patent invention as claimed for it does not teach or suggest at least two elements.

First, Myers does not teach or suggest a method of manufacturing a thermoformable composite panel that includes forming a first lower panel having a peripheral lip and a plurality of raised projections that are coplanar and adhering the coplanar surfaces to the upper panel. Myers teaches that its truck bed cover is rounded to prevent accumulation of precipitation on the truck bed cover. Col. 1, 45-47. Thus, the recessed portions 32 which are adhered to the top cover 28 are not coplanar when the truck bed cover is assembled. As the truck bed cover is rounded and the Myers support base follows the curvature of the rounded truck bed cover, the recessed portions are necessarily situated in different planes in space and may not be adhered to the top cover at all in some regions such as the deepest portion of the top cover's curvature. Consequently, the Myers panels would not provide the same level of structural support that the panels produced by the claimed method do. The claims, in contrast, recite a method of manufacturing a composite panel in which the upper surfaces of the plurality of the raised projections are coplanar because of the overall flat profile of the resultant composite panel and are secured to the second upper panel. Thus, a coplanar arrangement of a plurality of raised projections is lacking in the disclosure of Myers.

Moreover, none of the support elements shown in Fig. 3 or elsewhere in Myers is in the form of convolutions or triangles in a closed X pattern as are recited in the methods of claims 2 and 4.

For at least foregoing, it is submitted that the Myers reference is missing at least one element of the invention as claimed. Therefore, it does not anticipate the claim. Reconsideration of the rejection and allowance of the claims at the earliest opportunity are respectfully requested.

## **II. Obviousness Rejections**

The Examiner has rejected pending claims 1-5 and 20-32 under 35 U.S.C. § 103(a) for obviousness over the combination of U.S. Patent No. 5,273,606 of Greve et al. ("Greve") and Myers alone an/or in combination with one or more of the following: U.S. Patent No. 6,568,495 of Corder et al ("Corder"); U.S. Patent No. 5,124,191 of Seksaria ("Seksaria"); U.S. Patent No. 4,906,508 of Blankenburg et al. ("Blankenburg 508"); and U.S. Patent No. 5,242,735 of Blankenburg et al. ("Blankenburg 735"). The Applicant traverses each of these rejections.

### **Greve:**

Greve teaches a bonding technique for creating a multi-paneled device. The multi-paneled device created is made up of a first panel and a second panel that is shorter in length than the first panel. An edge portion of the first panel is folded over the edge of the second panel and forms a flow channel into which an adhesive substance may be injected. In the method of Greve, the first panel and the second panel are secured by the bonding of the adhesive injected into the flow-channels. The panel of Greve is not configured so that the lips of the panels are configured to fit snugly against and within the peripheral lip of the second panel. In contrast, the extending end of the first Greve panel is folded up and its edged is mated to the edges of the second panel.

### **Corder:**

Corder teaches an automotive vehicle system that includes a lifting mechanism, a body panel having a hinge side and a latch side coupled to the lifting mechanism. The lifting mechanism is operable to raise the hinge side and the latch side of the body panel. Corder provides no disclosure of the structure of the hood or body panels that are incorporated into the automotive vehicle system. Moreover, Corder is completely silent with respect to any method of preparing such panels. Corder is relied upon by the Examiner for disclosure of body panels being used as an engine compartment hood, a truck or deck lid, or a convertible roof tonneau cover.

### **Seksaria:**

Seksaria teaches a structural panel consisting of a first sheet and a second plastic rigidifying sheet that may be made of a synthetic resin. The first sheet is made of sheet metal.

The plastic rigidifying sheet is molded into a plurality of a regular inverted cup shaped elements and is adhered to the metallic sheet. The two-component structural panel of Seksaria is configured to accommodate the randomly spaced engine components that one may find in the engine cavity of an automobile and is used for engine hoods, deck lids and roofs.

**Blankenburg 508 and Blankenburg 735:**

Blankenburg 508 teaches a structural module for incorporation into a multiple part assembly using a mixture of art-based or simple geometric shapes. The Examiner relies upon Blankenburg 508 to teach triangle projections. Blankenburg 735 describes a structural module that includes a plurality of hollow cells having flat top ends opposed to open and sidewalls extending to both ends. The Examiner relies on Blankenburg 735 for its disclosure of projections that are triangles arranged in a closed X pattern. Although the Blankenburgs discuss use of the structural modules in car parts, they are silent with respect to methods of preparing thermoformable panels such as are claimed.

None of the combinations of these references proposed by the Examiner render the claimed invention obvious for each combination lacks one or more elements of the claims and/or a person of skill in the art would not have had any apparent reason to make the combinations as suggested by the Examiner.

**Claims 1, 2, and 24 Over Myer-Greve:**

The Myers-Greve combination forms the basis of each of the six combinations set out by the Examiner as grounds of rejection and is by itself the basis of rejection of claims 1, 2 and 24. The Myers-Greve combination, however, fails to teach or suggest the claim elements of the method and is not a combination that would have been made by a person of skill in the art. First, for the reasons given above, the Myers reference lacks a teaching of a method in which a panel having a plurality of raised projections that are coplanar is formed. The Examiner expressly acknowledges that a disclosure of use of any type of support elements is missing from Greve. (OA at page 4). Thus, adding Greve to Myers does not result in a combination that teaches or suggests all elements of the claimed method.

Nor would a person of skill have had a reason to make the combination of Myers and Greve. Myers emphasizes the use of the unitarily formed X-type projections to provide structural support of a rounded truck bed cover and Greve, in contrast, focuses entirely on the process by which the panels are bonded together by injection of adhesive in the hem formed by the fold-over of the first panel. Greve is wholly silent as to the desirability of structural support of its panels. No reason existed that would have caused a person of skill to combine their teachings and arrive at the invention as presently claimed in claim 1, 2, and 24.

**Claims 20, 21, 26, 27, 31 and 32 Over Myers, Greve, and Corder:**

Claims 20, 21, 26, 27, 31 and 32 are obvious in view of the combination of Myers, Greve and Corder. For the reasons discussed above, the Myers-Greve combination does not teach or suggest all elements of the claims nor would a person of skill have had any apparent reason to make the combination. Corder, relied upon by the Examiner for allegedly teaching the equivalency of various automobile parts, does not remedy the deficiencies of the combination. Moreover, the Examiner has failed to articulate any reason that would have caused a person of skill in the art to make the combination of Corder with either Greve or Myers. The mere fact that each relates generally to automotive material is not a legally sufficient basis for combination under either *KSR* or *Graham v. John Deere Co.*, each of which requires a showing that there was some motivation or reason for combination.

**Claims 1-3, 5, and 24 Over Myers, Greve and Seksaria:**

Claims 1-3, 5, and 24 are not obvious in view of the combination of Myers, Greve and Seksaria. The Myers-Greve- Seksaria combination does not teach or suggest all elements of the claims nor would a person of skill have had any apparent reason to make the combination. For the reasons discussed above, the Myers and Greve combination does not teach or suggest all elements of the invention nor would a person of skill in the art have had a reason to combine them with each other or with Seksaria. Seksaria is applied for the teaching of forming an automotive panel having a plastic rigidifying sheet that is molded into a plurality of a regular inverted cup shaped elements and is adhered to a second metallic sheet to form a panel. The cup-shaped elements of Seksaria are not coplanar as are the projections in the claimed method. Instead they have horizontal surfaces that terminate in different planes relative to one another in

order to accommodate the various raised components that are present in an engine cavity and the corresponding hills and valleys that are present in the outer metallic sheet.

No person of skill would have had a reason to combine Seksaria with Myers and/or with Greve to arrive at the invention as claimed. Seksaria teaches method of producing metallic panel of sheet metal that has structural elements configured to accommodate internal components, such as engine parts. The Greve panels contain no structural elements at all and Greve makes no suggestion or implication that they are necessary. The objective of the Myers method is to produce a durable lightweight truck cover with minimal production time, neither of which could be achieved by fabricating a panel from a metal sheet. One would not have looked to a reference disclosing the use of a component panel of sheet metal (Seksaria) or to a reference in which no support elements are used (Greve) to combine with Myers and arrive at the inventive method as claimed.

**Claims 3 and 4 Over Myers, Greve, Seksaria, Blankenburg 508 and Blankenburg 735:**

Claims 3 and 4 are not obvious over the combination of Myers, Greve, Seksaria, Blankenburg 508 and Blankenburg 735. As discussed above in the previous rejection, the combination of Myers, Greve, and Seksaria neither teaches nor suggests all elements of method as claimed nor would a person of skill have been motivated to make the combination. The Blankenburg references, which merely teach that structural components can be formed in various geometries, do not remedy the deficiencies previously discussed.

**Claims 20, 21, 26-28 and 30-32 Over Myers, Greve, Seksaria and Corder:**

Claims 20, 21, 26-28 and 30-32 are not obvious over Myers, Greve, Seksaria and Corder. As discussed above in the previous rejection, the combination of Myers, Greve, and Seksaria neither teaches nor suggests all elements of method as claimed nor would a person of skill have been motivated to make the combination. The addition of Corder, which allegedly teaches that all car panels are "equivalent", does fill in any of the holes present in the Myers-Greve-Seksaria combination.

**Claims 28 and 29 Myers, Greve, Seksaria, Corder, Blankenburg 508 and Blankenburg 735:**

Claims 28 and 29 are not obvious over the disclosures of Myers, Greve, Seksaria, Corder, Blankenburg 508 and Blankenburg 735. As discussed above in the previous rejection, the combination of Myers, Greve, and Seksaria neither teaches nor suggests all elements of method as claimed nor would a person of skill have been motivated to make the combination. The addition of Corder, which allegedly teaches that all car panels are "equivalent" does not fill in any of the holes present in the Myers-Greve-Seksaria combination nor does the addition of the disclosure of the Blankenburg references, which merely teach that structural components can be formed in various geometries.

On these bases it is respectfully submitted that the pending claims 1-5 and 20-32 are not obvious over the art cited by the Examiner. Reconsideration and withdrawal of the rejections are requested.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the applicant has distinguished the claims over the cited prior art. Reconsideration and allowance of the claims at the earliest opportunity is respectfully requested.

Respectfully submitted,

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